

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF FEBRUARY 15, 2005.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7),

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Keith Thibodeaux (CIO), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

COMMENCEMENT

AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of February 15, 2005 to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Marc Mouton to give the invocation and then lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: EXECUTIVE/PRESIDENT’S REPORT

- a. President Durel presented the Paul Benoit Award to Officer Kevin Moore for rescuing an individual from a burning vehicle.

AGENDA ITEM NO. 4: CEREMONIAL PRESENTATION

Proclamations

- a. Councilmember Benjamin recognizes community activists who were instrumental in improving education and the quality of life for African-Americans. He also presented each individual a proclamation for same.

AGENDA ITEM NO. 5: COUNCIL ANNOUNCEMENTS *No announcements were made.*

RESOLUTIONS

AGENDA ITEM NO. 6: R-012-2005 A resolution of the Lafayette City-Parish Council urging state legislators and senators from Lafayette Parish to seek the enactment of legislation to amend LA. R.S. 48:391A to reduce the maximum time during which a train may obstruct vehicular traffic at a public railroad grade crossing, motion to adopt by Williams, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 7: R-013-2005 A resolution of the Lafayette City-Parish Council, acting

in its capacity as the Metropolitan Planning Organization, approving and authorizing a grant application for a Comprehensive Interstate Highway Frontage Road Study for the Lafayette Metropolitan Study Area, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 8: R-014-2005 A resolution of the Lafayette City-Parish Council, acting in its capacity as the Metropolitan Planning Organization, approving and authorizing an Urban System Grant Application for implementation of the I-49 Connector Action Plan and preparation of the 2030 Transportation Plan for the Lafayette Metropolitan Study Area, motion to adopt by Bourgeois, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 9: R-015-2005 A resolution of the Lafayette City-Parish Council, acting in its capacity as the Metropolitan Planning Organization, approving, establishing and recommending to the Louisiana Department of Transportation and Development the Verot School Road Widening Project as a priority over the Ambassador Caffery Parkway South Project and requesting redirection of local and state funding as appropriated, motion to adopt by Stevenson, seconded by Bourgeois.

A substitute motion to table this resolution was offered by Benjamin, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Williams, Benjamin, Broussard

NAYS: Bourgeois, Conque, Mouton, Stevenson, Menard

ABSENT: None

ABSTAIN: None

Motion to table failed.

The Chair then called for a vote on the original motion, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

ORDINANCES FOR FINAL ADOPTION

AGENDA ITEM NO. 10: O-018-2005 A Sixteenth Supplemental Ordinance amending and supplementing an ordinance (the “General Bond Ordinance”) adopted on April 8, 1986, to provide for the issuance of Public Improvement Sales Tax Refunding Bonds, Series 2005A (the “Bonds”), of the City of Lafayette, State of Louisiana (the “Issuer”), pursuant to the General Bond Ordinance; prescribing the form, fixing the details and providing for the rights of the owners thereof; providing for the payment of the principal of the Bonds and the application of the proceeds thereof to the advance refunding of certain bonds of the Issuer; accepting the offer to purchase of Morgan Keegan & Company, Inc., of New Orleans, Louisiana; approving the Official Statement prepared in connection with the issuance of the Bonds; and providing for other matters in connection therewith, motion to adopt as amended (*amendment being to approve the ordinance as completed by Bond Counsel*) by Stevenson, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 11: O-029-2005 An ordinance of the Lafayette City-Parish Council enacting Chapter 86, Section 86-34 of the Lafayette City-Parish Consolidated Government Code of Ordinances relative to police barricades, proscribing certain conduct and prescribing penalties for the violations thereof, motion to adopt by Benjamin, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 12: O-030-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to recognize donations of \$3,750.00 from the Wal-Mart Foundation to the Fire Department and assigning those funds to the proper budgetary account within the Fire Department, motion to adopt by Broussard, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 13: O-031-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$5,000 from Reserve to RPL Air Compressor and Dryer within the Department of Public Works for additional funding needed, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 14 O-032-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$343,055 from Reserve – W. Butcher/N. University Turn Lanes to W. Butcher/N. University Turn Lanes Project within the Department of Public Works for additional funding needed, motion to adopt by Broussard, seconded by Badeaux, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 15: O-033-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing Miscellaneous Revenues \$118,500 and appropriating same to CIDC-Hewitt Brooks Bernard Property Renovations Project as required by court settlement within the Department of Public Works for additional funding needed, motion to adopt by Broussard, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 16: O-034-2005 An ordinance of the Lafayette City-Parish Council

authorizing and approving a change in the fare structure of the Lafayette Transit System to identify fares for Night Owl Transit Service, motion to adopt by Williams, seconded by Stevenson.

A substitute motion was offered by Williams, seconded by Broussard to amend the fees as follows: 75 cents for adults, 50 cents for children, 35 cents for Seniors, and to eliminate free fare transfers, and the vote was as follows:

YEAS: Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson,
Menard

NAYS: Benjamin

ABSENT: Badeaux

ABSTAIN: None

Substitute motion was approved.

AGENDA ITEM NO. 17: O-035-2005 An ordinance of the Lafayette City-Parish Council declaring the utility installations and relocations for Verot School Road Widening Project (Vincent Road to Pinhook Road) a public necessity and authorizing the acquisition of the necessary rights-of-way and other property rights requisite to the construction, operation, and/or maintenance of said project, either on an amicable basis or through the expropriation process, if necessary, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,
Menard

NAYS: None

ABSENT: Badeaux

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 18: O-036-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to execute an Act of Cash Sale whereby the Lafayette City-Parish Consolidated Government will purchase certain real estate located on Bienville Street, Lafayette, Louisiana from Michael E. Boustany, Antoine F. Boustany, Sr., Inez Boustany Karre', Charles W. Boustany, Mariam Boustany Buttross, Carolyn Buttross Booth, Joann Buttross Kaminski, Yvonne Buttross Haydell, Joseph David Buttross, Jr., Edward Anthony Buttross, Sr., and Paula Jean Buttross Dupont for utilization by the Department of Community Development, Housing Division, motion to adopt by Mouton, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,
Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 19: O-037-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to execute an Act of Cash Sale whereby the Lafayette City-Parish Consolidated Government will purchase certain real estate located on W. Simcoe Street, Lafayette, Louisiana, from Lafayette Catholic Service Centers, Inc. for utilization by the Department of Community Development, Housing Division, motion to adopt by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,
Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

AGENDA ITEM NO. 20: O-038-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a utility niche and a portion of drainage easement and the granting of a utility niche and a drainage easement on Lot 89 in Phase IV of Amy Estates, having a municipal address of 213 Concerto Crest Avenue, motion to adopt by Stevenson, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson,
Menard

NAYS: None

ABSENT: None

ABSTAIN: None
Motion was unanimously approved.

**CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING
BOARDS/COMMISSIONS**

AGENDA ITEM NO. 21: Appointment of Dr. Paul Scott LeBleu to the Emergency Medical Services Advisory Board for a four year term effective February 18, 2005.

The Chair called for nominations. Councilmember Williams nominated Timmy Duhon, Councilmember Conque nominated Dr. Paul Scott LeBleu, and the vote was as follows:
T. DUHON: 1, 3, 4, 5
S. LEBLEU: 8, 9, 2, 6, 7
Dr. LeBleu was appointed to the Emergency Medical Services Advisory Board.

AGENDA ITEM NO. 22: Appointment(s) by Council member(s) and/or City-Parish President and/or Area Mayors, and/or any other direct appointing authority.

<u>Appointing Authority</u>	<u>Appointee Name And Address</u>	<u>Board, Commission And/or Legal Agency</u>	<u>Term</u>	<u>Effective Date</u>
District 3	Wanis Washington 117 Eric St. Lafayette, LA 70501	Lafayette City-Parish Animal Control Center Advisory Board	4 years	02/17/2005
Lafayette Parish Medical Society	Dr. James Garcelon 102 Port Royal Circle Lafayette, LA 70503	Emergency Medical Services Advisory Board	4 years	02/18/2005

INTRODUCTORY ORDINANCES

AGENDA ITEM NO. 23 - 39: A motion was offered by Broussard, seconded by Stevenson, to approve the introduction of the following ordinances, in-globo, except Item 30 and 31 (to be taken separately), Item 27 amending the Interogovernmental Agreement, and Item 28 (pulled from the agenda), and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: None
ABSTAIN: None
Motion was unanimously approved.

23. O-041-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 10, Animals, Section 10-71, Definitions, by amending the definition of “proper shelter”.
24. O-042-2005 An ordinance of the Lafayette City-Parish Council amending Chapter 10, Animals, Section 10-231 of the Lafayette City-Parish Consolidated Government Code of Ordinances relative to the crime of cruelty to animals by adding further or additional instances which will constitute the crime of cruelty to animals.
25. O-043-2005 An ordinance of the Lafayette City-Parish Council amending Chapter 10, Animals, Section 10-263 of the Lafayette City-Parish Consolidated Government Code of Ordinances relative to the crime of cruelty to animals by adding further or additional instances which will constitute the crime of cruelty to animals, and providing a certain exception thereto.
26. O-044-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government to provide for the employer contribution rate increase of 3.75% to the District Attorney Retirement System (DARS) by decreasing Parish General Fund Council Reserve by \$23,404.00 and increasing appropriations within the Division of the District Attorney.
27. O-045-2005 An ordinance of the Lafayette City-Parish Council authorizing the

Lafayette City-Parish President to enter into an Intergovernmental Agreement between the Lafayette City-Parish Consolidated Government and the Fifteenth Judicial District Court concerning the Grant of Funds from the State of Louisiana Project Safe Neighborhoods Youth Advocacy Grant Program. **AN AMENDMENT WAS MADE TO THE INTERGOVERNMENTAL AGREEMENT.**

28. O-046-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government authorizing the increase of revenues in the amount of \$2,000.00 received from the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and appropriating within the Lafayette Police Department. **PULLED FROM THE AGENDA FOLLOWING INTRODUCTION.**
29. O-047-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government authorizing the increase of revenues in the amount of \$61,107.00 received from the Louisiana Commission on Law Enforcement and Administration of Criminal Justice for the State Dare Grant and appropriating the same within the Lafayette Police Department and returning duplicate salary appropriations to the City General Fund Prior Year Fund Balance.
32. O-050-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$593 from Ambassador Caffery/Johnston Street Interchange Project to Reserve – Streets.
33. O-051-2005 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 86 – Traffic and Vehicles. Article VI-Stopping, Standing and Parking in City of Lafayette.
34. O-052-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$225,000.00 from the Retained Earnings Capital Fund Reserve to the Consolidated Sewer District – Project XII within the Department of Utilities for additional funding needed (Holiday Gardens Subdivision Area).
35. O-053-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of Ramblewood Drive in Crestview Estates adjacent to the property of Robert Wesley Clark, having a municipal address of 101 South Zion Circle.
36. O-054-2005 An ordinance of the Lafayette City-Parish Council declaring the building or structure located at municipal address 255 Paul Breaux Avenue, Lafayette, Louisiana, owned by Harold L. Savoie and Elizabeth R. Graziano, to be dilapidated and dangerous to the public welfare and ordering the condemnation of same.
37. O-055-2005 An ordinance of the Lafayette City-Parish Council declaring the building or structure located at municipal address 424 Colorado Road, Duson, Louisiana, owned by Kenneth Patrick Webster, c/o Gerald J. Block, Attorney Appointed to be dilapidated and dangerous to the public welfare and ordering the condemnation of same.
38. O-056-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government authorizing an increase in the grant revenues and expenditures of the Lafayette Public Library by increasing both in the amount of \$2,500.00 for a grant received from the Louisiana Endowment for the Humanities.
39. O-057-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated

Government authorizing an increase in the grant revenues and expenditures of the Lafayette Public Library by increasing both in the amount of \$17,037.00 for a grant received from the Bill and Melinda Gates Foundation, distributed through the State Library of Louisiana to be used to upgrade or replace public access computers.

AGENDA ITEM 30: **O-048-2005** An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$1,322,986 from various projects lacking future construction funding to Reserve – Streets. **LACK OF A MOTION AND A SECOND, THUS ORDINANCE WAS NOT INTRODUCED**

AGENDA ITEM 31: **O-049-2005** An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$1,200,000 from Reserve – Streets to Verot School Road (Pinhook to Vincent) Project within the Department of Public Works for additional funding needed. **LACK OF A MOTION AND A SECOND, THUS ORDINANCE WAS NOT INTRODUCED**

AGENDA ITEM NO. 40: Comments from the public concerning the above Introductory Ordinances.

Patrick Brasseaux
Carrie Baird

ADJOURN

There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL